

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

IN RE CO-DIAGNOSTICS, INC. DERIVATIVE LITIGATION	STIPULATION AND [PROPOSED] AMENDED SCHEDULING ORDER Case No. 2:20-cv-00836-JNP District Judge Jill N. Parrish Magistrate Judge Cecilia M. Romero
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WHEREAS, on November 24, 2020, Plaintiff Matthew Wallace filed a shareholder derivative action for the benefit of nominal defendant, Co-Diagnostics, Inc. (“CoDiagnostics” or the “Company”), against certain current and former officers and directors of Co-Diagnostics (the “Individual Defendants” and together with Co-Diagnostics, “Defendants”), captioned *Wallace v. Egan, et al.*, Case No. 2:20-cv-00836-JNP (the “Wallace Action”), in this Court, ECF No. 2;

WHEREAS, on January 25, 2021, Plaintiff Jason Reagan filed a shareholder derivative action on behalf of Co-Diagnostics against the Individual Defendants, captioned *Reagan v. Egan, et al.*, Case No. 2:21-cv-00054-DBB (the “Reagan Action”), in the District of Utah, ECF No. 2;

WHEREAS, on March 18, 2021, the Court ordered the consolidation of the Reagan Action into the Wallace Action, ordered all future filings to be made under the caption, *In re Co-Diagnostics, Inc. Derivative Litigation*, Case No 2:20-cv-00836-JNP (the “Consolidated Derivative Action”), and appointed the law firms of Glancey Prongay & Murray LLP and The Weiser Law Firm, P.C. as Co-Lead Counsel, ECF No. 19;

WHEREAS, on April 30, 2021, Plaintiffs Matthew Wallace and Jason Reagan (“Plaintiffs”) filed a consolidated derivative complaint for the benefit of Co-Diagnostics, against the Board and certain of its executive officers seeking to remedy Defendants’ breaches of fiduciary

duties and insider trading, *In re Co-Diagnostics, Inc. Derivative Litigation*, Case No. 2:20-cv-00836-JNP (the “Amended Consolidated Derivative Complaint”), in this Court, ECF No. 20;

WHEREAS, the Amended Consolidated Derivative Complaint asserts claims based on and related to, in part, a consolidated securities class action pending in the United States District Court, District of Utah, namely *Fernando Hernandez v. CoDiagnostics, Inc., et al.*, Case No. 2:20-cv-00481-DAO, consolidated with *Gelt Trading, LTD v. Co-Diagnostics, Inc., et al.*, Case No. 2:20-cv-00368-JNP-DBP (the “Consolidated Securities Action”), ECF No. 28;

WHEREAS, on May 3, 2022, the Court entered a Scheduling Order in the Consolidated Derivative (the “Scheduling Order”), setting certain case deadlines and a trial date;

WHEREAS, on October 11, 2023, the Court entered an amended scheduling order in the Consolidated Securities Action, with briefing on Defendants’ anticipated motion for summary judgment currently concluding on July 3, 2023;

WHEREAS, the Parties have conferred with respect to scheduling and agree that it would be most efficient for the parties and in the interests of judicial economy for discovery in the Consolidated Derivative Action to follow the completion of summary judgment briefing in the Consolidated Securities Action;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that:

- (1) The Scheduling Order should be vacated;
- (2) Defendants will produce to Plaintiffs all deposition transcripts and exhibits to the same in the Consolidated Securities Action within 20 days of the Court’s entry of an amended scheduling order; and

(3) Plaintiffs and Defendants will meet and confer regarding completion of discovery and proposing a new scheduling order within 20 days of the completion of summary judgment briefing in the Consolidated Securities Action.

DATED this 20th day of November 2023.

Respectfully Submitted,

/s/ Robert G. Wing

Robert G. Wing (4445)
PARR BROWN GEE & LOVELESS
101 S 200 E, Ste. 700
Salt Lake City, UT 84111
Telephone: 801-503-5065
Email: rwing@parrbrown.com

Douglas W. Greene (*admitted pro hac vice*)
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: 212-847-7090
Email: dgreene@bakerlaw.com

Genevieve G. York-Erwin (*admitted pro hac vice*)
BAKER & HOSTETLER LLP
999 Third Ave., Ste. 3600
Seattle, WA 98104-4040
Telephone: 206-566-7090
Email: gyorkerwin@bakerlaw.com

*Attorneys for Defendants Co-Diagnostics, Inc.,
Dwight Egan, James Nelson, Eugene Durenard,
Edward Murphy, Richard Servin, Reed Benson,
and Brett Satterfield*

/s/ Zachary J. Weyher (via e-mail permission)

Zachary J. Weyher (10846)
PIA HOYT
170 S Main St., Ste. 1100
Salt Lake City, UT 84101

Telephone: 801-350-9000
Email: zweyher@piahyt.com

Attorneys for Matthew Wallace

/s/ Deborah Chandler (via e-mail permission)

Deborah Chandler (12057)
Email: dchandler@aklawfirm.com
P. Matthew Muir (9560)
Email: mmuir@aklawfirm.com
ANDERSON & KARRENBURG
50 W Broadway, Ste. 600
Salt Lake City, UT 84101
Telephone: 801-534-1700

James M. Ficaro (*admitted pro hac vice*)
THE WEISER LAW FIRM PC
Four Tower Bridge
200 Barr Harbor Dr., Ste. 400
West Conshohocken, PA 19428
Telephone: 610-225-0206
Email: jficaro@weiserlawfirm.com

Attorneys for Jason Reagan